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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,167	12/31/2003	Dong-Shin Jung	Q77527	6951

23373 7590 09/05/2008
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ART UNIT	PAPER NUMBER
2175	

MAIL DATE	DELIVERY MODE
09/05/2008	PAPER

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/748,167
Filing Date: December 31, 2003
Appellant(s): JUNG ET AL.

Peter A. McKenna
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 1, 2008 appealing from the Office action mailed October 11, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,918,012	Astiz et al.	June 1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-27 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Astiz et al. (hereinafter Astiz), United States Patent number 5,918,012.

Regarding claim 1, Astiz teaches an apparatus for providing object-in-content information, managed by an object-in-content information managing device (see column 6 lines 1-5; "*In the internet embodiment, in particular, the browser 32 receives*

information from the internet network via the HTTP Server 33 and translates that data from the language used on the internet (called the HTML data format) into a screen display that the user can recognize", where the HTTP Server is equivalent to the object-in-content information managing device), comprising:

a central control unit (see column 5 lines 55-58; "*The embodiment of FIG. 3 has a data processor 30, which can be any standard PC having a microprocessor, memory, a video screen, etc., and including a variety of software components*", where the data processor is equivalent to the central control unit) operable to receive content, supply basic content information of the content, (see column 6 line 64 through column 7 line 18; "*when the user points the pointing device at a particular portion of the video playing on the viewer screen 41 of the viewer 31 ("selection" in FIG. 3), the viewer 31 sends so-called (x,y,t) data to the browser 32 for processing into a URL code*", where the (x,y,t) data is equivalent to the basic content information) and provide the object-in-content information in a user-viewable format (see column 6 lines 45-49; "*Once the viewer 31 has the BTV file and is displaying it to the viewer, the user is then able to point and click onto portions of the full motion video, which causes the viewer 31 to issue a URL address to the browser, which requests the filename specified in the URL from the domain in the URL*"); and

an object information interface unit operable to transmit a request message including the basic content information to the object-in-content information managing device, receive a response message including the object-in-content information corresponding to the basic content information from the object-in-content information

managing device, and transmit the object-in-content information included in the response message to the central control unit (see column 6 lines 46-56; "*Once the viewer 31 has the BTV file and is displaying it to the viewer, the user is then able to point and click onto portions of the full motion video, which causes the viewer 31 to issue a URL address to the browser, which requests the filename specified in the URL from the domain in the URL. It also passes on the x, y, and t information (described in more detail below). When the viewer 31 receives the requested data file, the viewer 31 then opens either another browser or another viewer (depending on the MIME type of the hyperlinked data received) to display the data to the user. This display is shown as linked screen 43 in FIG. 4*"),

wherein the received content is not received through the object-in-content information managing device (see column 6 lines 33-45; "*When the video data file is received by the browser 32 from the HTTP Server 33 (FIG. 3 or FIG. 1), the browser 32 recognizes from the MIME (in this case the .BTV MIME), that it needs to open the BTV viewer 31 and download the BTV data file to the viewer 31 for display to the user on the screen 41*", the BTV data file of Astiz is a file containing the mappings between basic content information and the locations of object-in-content information. Astiz's invention is inherently capable of downloading the BTV data file from a different HTTP Server).

Regarding claim 2, Astiz teaches an apparatus for providing object-in-content information of content, comprising:

a basic content information converting unit operable to receive a message including basic content information of the content and provide converted basic content information corresponding to the basic content information (see column 7 lines 64-67; "*The URL statement identifies the location and name of the CGI script that will coordinate the X-Y coordinates, time coordinates and image map to return an associated URL address*", where the CGI script is equivalent to the basic content information converting unit, the (x,y,t) data is equivalent to the basic content information, and the URL is equivalent to the converted content information);

a storage unit operable to store the object-in-content information (HTTP server);

an information search unit operable to extract the object-in-content information stored in the storage unit (web page) by using the converted basic content information (URL); and

an object information transmitting unit operable to generate a response message including the object-in-content information provided by the information search unit and transmit the response message to a central control unit,

wherein the object information transmitting unit does not transmit the content to the central control unit (see column 8 lines 6-19; "*Once a user makes a selection, the browser 32 then transmits the VHL (from the header), X and Y coordinates, and time coordinate to the HTTP Server 33 specified in the CGI URL (from the header). The HTTP Server 33 uses the URL statement to retrieve the script file 34 from a local file server. The video map script 34 then uses the VHL statement to locate and load the appropriate video map 35 identified by the viewer 31 when the user made the selection.*

The video map script 34 is preferably a C language program that takes the X, Y, and time coordinates from the HTTP Server 33 (originally from the viewer 31), retrieves the appropriate VHL video map 35 and looks up the coordinate data on the map 35 to retrieve a URL address associated with the selection made by the user on the viewer 31").

Regarding claim 3, Astiz teaches that the basic content information converting unit (CGI script) receives the message, transmits the basic content information ((x,y,t) data) to a unit that provides the content (HTTP server), receives the converted basic content information (URL) from the unit and provides the converted basic content information (URL) (see column 7 lines 64-67).

Regarding claims 4-6, Astiz teaches that the basic content information ((x,y,t) data) comprises one of actual coordinates, a click time, a relative time, a content identifier, a channel number, or a combination thereof (column 7 lines 19-23).

Claims 7 and 8 recite a system with substantially the same limitations as claims 1-3. Therefore, claims 7 and 8 are rejected under the same grounds.

Claims 9 and 10 recite a system with substantially the same limitations as claims 4-6. Therefore, claims 9 and 10 are rejected under the same grounds.

Regarding claim 11, Astiz teaches a content provider operable to provide the content, receive the basic content information through a separate medium other than a medium providing the content, and provide the converted basic content information corresponding to the received basic content information through the separate medium (see Abstract last sentence). In Astiz, the script that converts the basic content information is stored separately from the location of the content itself.

Claim 12 recites a method with substantially the same limitations as claims 1-3. Therefore, claim 12 is rejected under the same rationale.

Regarding claim 13, Astiz teaches providing the object-in-content information included in the response message in a user-viewable format (see column 6 lines 46-56). In Astiz, the object-in-content information is in the form of a user-viewable web page shown in a browser.

Claim 14 recites a method with substantially the same limitations as claims 4-6. Therefore, claim 14 is rejected under the same rationale.

Claim 15 recites a system with substantially the same limitations as claims 1-3. Therefore, claim 15 is rejected under the same rationale.

Claims 16 and 17 recite a system with substantially the same limitations as claim 11. Therefore, claims 16 and 17 are rejected under the same rationale.

Regarding claim 18, Astiz teaches an object-in-content information provider operable to provide the object-in-content information without changing the content for the processing unit (see column 8 lines 38-41).

Regarding claim 19, Astiz teaches that the object-in-content information providing unit receives updated object-in-content information for the content. Because the object-in-content information of Astiz is loaded from the Internet, the most up-to-date content always loaded (see column 4 lines 54-59).

Claims 20 and 24 recite an apparatus comprising substantially the same limitations as claims 1-3. Therefore, claims 20 and 24 are rejected under the same rationale.

Claim 21 recites an apparatus comprising substantially the same limitations as claim 11. Therefore, claim 21 is rejected under the same rationale.

Claim 22 recites an apparatus comprising substantially the same limitations as claim 19. Therefore, claim 22 is rejected under the same rationale.

Claim 23 recites an apparatus comprising substantially the same limitations as claims 4-6. Therefore, claim 23 is rejected under the same rationale.

Claim 25 recites a method with substantially the same limitations as claims 1-3. Therefore, claim 25 is rejected under the same rationale.

Claim 26 recites a method with substantially the same limitations as claim 11. Therefore, claim 26 is rejected under the same rationale.

Claim 27 recites a method with substantially the same limitations as claim 19. Therefore, claim 27 is rejected under the same rationale.

(10) Response to Argument

Claims 1-27 were rejected under 35 USC § 102(b) as being anticipated by Astiz et al. (hereinafter Astiz), United States Patent 5,918,012.

As a preliminary matter, the claims use terminology that is not in common use in the art. Appellant's arguments (particularly pages 14 and 15) imply that Appellant does not agree with Examiner's interpretation of the recited terminology. The terminology at issue is not clearly defined in the specification, therefore they must be interpreted in light of the specification and the common meaning of the words.

The specification of the instant application defines "object-in-content information" as "*information on objects included in content*" (see specification paragraph [02]). The specification goes on to characterize the "content" as produced media that is delivered over a broadcast network and is played back in a user-viewable format by a content player (see specification paragraphs [03-08]). In light of the description provided in the specification, Examiner is interpreting "content" to be a form of playable and viewable media such as video, multi-media presentations, or possibly audio data.

Therefore, the "object-in-content information", defined in the specification as "*information on objects included in content*", is being interpreted by Examiner as encompassing "information on objects included in a video". The specification further supports this interpretation in paragraph [03], "*Where content stored in the piece of media 125 is played by the content player 130, the user can select an arbitrary object in the piece of media to obtain information on the selected object stored in the piece of media*".

Also recited in the claims is "basic content information", which is defined in the instant specification as, "*Preferably, the basic content information comprises actual coordinates, click time, a channel number and the like, and the converted basic content information comprises actual coordinates, a relative time, a content identifier, and the like. Of course, one or any number of these variables comprising the basic content information and the converted basic content information may be used*" (paragraph [09]). In summary, the "basic content information" is used to determine the coordinates of the content (or video) at which the user clicked, as well as the time the selection was made.

Examiner is interpreting the "basic content information" to be equivalent to the (x,y,t) data of Astiz. The (x,y,t) data of Astiz, defined in Astiz column 6 line 64 through column 7 line 18, carries the substantially the same definition as the "basic content information" of the instant application.

Finally, the "object-in-content information managing device" recited in the instant claims is defined as the device that receives the "basic content information", processes that information, and sends back a message containing object-in-content information (see instant application Abstract). Examiner interprets the "object-in-content information managing device" to be equivalent to the "HTTP server" of Astiz, because the "HTTP server" of Astiz is a device that receives the "basic content information" (or (x,y,t) data) and processes it (see Astiz column 8 lines 6-19).

With respect to claim 1, the Appellant argues (Appeal Brief pages 14 and 15) that Astiz does not teach that the received content is not received through the object-in-content information managing device.

The examiner disagrees. Appellant's argument is based entirely upon one interpretation of Astiz provided by the examiner, that Astiz's invention is inherently capable of downloading the BTV data file from a different HTTP server. Appellant argues that a 35 USC 102 rejection cannot be made based on mere possibilities. However, Examiner is merely pointing out that it is an inherent capability of network architectures to store data on multiple HTTP servers to be downloaded at a single location. Astiz teaches several embodiments of the invention and notes several times

that multiple HTTP servers can be used within the context of the invention. For instance, Examiner notes "HTTP SERVERS" appearing twice in the block diagram of Figure 1 in Astiz.

Furthermore, Astiz teaches that the location of the HTTP server that processes the object-in-content information (the object-in-content information managing device) is configurable, that is, it can be changed to a different HTTP server other than the HTTP server where the video (received content) resides (see Astiz column 8 lines 6-19; "*Once a user makes a selection, the browser 32 then transmits the VHL (from the header), X and Y coordinates, and time coordinate to the HTTP Server 33 specified in the CGI URL (from the header)...*").

Astiz Figure 9 further includes a user interface where the "CGI URL", "map location", and "AVI file" may be changed to different servers on the network (see column 12 lines 20-38; "*FIG. 9 illustrates a utility for converting a standard video file into a .BTV file. As described previously, the .BTV file is simply a .AVI file (or similar video file) with an associated header. The information for the header is shown in FIG. 9 and includes three mandatory pieces of information: the "CGI URL" (the URL where the HTTP Server 33 can find the video map script 34), the "map location" (the file path where the script 34 can find the map 35), and the "AVI file" (the location of the original, unaltered video file in the .AVI MIME format)*"). Simply setting the "CGI URL" to a different server from "AVI file" will create a situation where the received content is not received through the object-in-content information managing device. In this situation, the "object-in-content

information managing device" will be the device specified by "CGI URL", while the video content will be received from the device specified by "AVI file".

With regard to claim 2, Appellant argues the same points discussed above, and therefore the examiner offers the same reasons for maintaining the rejections as provided above.

As stated by Appellant, independent claims 7, 12, 15, 20, and 25 recite features similar to those discussed above in conjunction with claim 1. Therefore, the examiner submits that these claims are properly rejected under 35 USC 102(b) at least for reasons analogous to those discussed above regarding claim 1.

With regard to dependent claims 3, 5, 6, 8-10, 13, 14, 16, 18, 19, and 21-24, no additional arguments are submitted. Therefore, dependent claims 3, 5, 6, 8-10, 13, 14, 16, 18, 19, and 21-24 stand or fall with their parent independent claims.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/S. A./

Examiner, Art Unit 2175 (8/29/2008)

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